

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION



UNITED STATES OF AMERICA)	
)	
v.)	NO. 3:09-00225
)	JUDGE TRAUGER
MICHAEL W. COOPER)	

GOVERNMENT'S MOTION TO DISMISS INDICTMENT

The United States of America, by and through the undersigned Assistant United States Attorney, hereby moves the Court, pursuant to Federal Rule of Criminal Procedure 48(a), to dismiss the indictment against defendant without prejudice. Pending before the Court is defendant's Motion for Franks Hearing. (D.E. 36). Without conceding that defendant is entitled to the relief sought in his motion, the government, after further evaluation of the facts and circumstances of the case, moves to dismiss the indictment. In support of this action, the government states that the investigation referenced in defendant's motion is not expected to be completed with publicly available results for several months. As a result, the government is not in a position to fully respond to the merits of the defendant's allegations. In consideration of these circumstances, the government respectfully moves to dismiss the indictment without prejudice.

Respectfully submitted,

JERRY E. MARTIN
UNITED STATES ATTORNEY

s/ Matthew J. Everitt

MATTHEW J. EVERITT
Assistant United States Attorney
110 9th Ave., South, Suite A-961
Nashville, TN 37203-3870
(615)736-5151